

1 DAVID J. BERGER, State Bar No. 147645  
2 THOMAS J. MARTIN, State Bar No. 150039  
3 CATHERINE E. MORENO, State Bar No. 264517  
4 ANALISA M. PRATT, State Bar No. 262951  
5 SAVITH S. IYENGAR, State Bar No. 268342  
6 WILSON SONSINI GOODRICH & ROSATI  
7 Professional Corporation  
650 Page Mill Road  
8 Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
9 Facsimile: (650) 565-5100  
Email: tmartin@wsgr.com

10 PAUL CHAVEZ, State Bar No. 241576  
11 LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
12 131 Steuart Street, Suite 400  
13 San Francisco, CA 94105  
Telephone: (415) 543-9444  
14 Facsimile: (415) 543-0296  
Email: pchavez@lccr.com

15 JULIA HARUMI MASS, State Bar No. 189649  
16 ALAN L. SCHLOSSER, State Bar No. 49957  
17 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
18 OF NORTHERN CALIFORNIA, INC.  
39 Drumm Street  
San Francisco, CA 94111  
Telephone: (415) 621-2493  
Facsimile: (415) 255-8437  
Email: jmass@aclunc.org

19 Attorneys for Plaintiffs  
20 UELIAN DE ABADIA-PEIXOTO, ESMAR CIFUENTES,  
21 PEDRO NOLASCO JOSE, and MI LIAN WEI

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA

24 UELIAN DE ABADIA-PEIXOTO, *et al.*, ) Case No. CV 11-4001 RS  
25 Plaintiffs, )  
26 vs. ) **AMENDED JOINT STIPULATION  
27 UNITED STATES DEPARTMENT OF ) AND [PROPOSED] ORDER TO  
HOME SECURITY, *et al.*, ) EXTEND DEADLINES**  
Defendants. )  
\_\_\_\_\_  
28 )

1 Pursuant to Civil Local Rules 6-1(b) and 7-12, Plaintiffs Uelian De Abadia-Peixoto,  
 2 Esmar Cifuentes, Pedro Nolasco Jose, and Mi Lian Wei (“Plaintiffs”) and Defendants the United  
 3 States Department of Homeland Security, United States Immigration and Customs Enforcement,  
 4 et. al., (“Defendants”) by and through their respective undersigned counsel of record, hereby  
 5 stipulate and agree, subject to this Court’s approval, to extend the deadline for discovery,  
 6 currently scheduled for August 13, 2012. Further, the parties seek to adjust deadlines set forth in  
 7 the Court’s March 9, 2012 Pretrial Case Management Scheduling Order (the “Scheduling  
 8 Order”) as set forth below.

9 Plaintiffs and Defendant respectfully submit that good cause exists for an extension of  
 10 time. The parties have met and conferred extensively regarding discovery and have attempted to  
 11 resolve disagreements related thereto. Despite these discussions, Plaintiffs anticipate the need to  
 12 file a motion to compel regarding certain documents and privilege assertions. Defendants also  
 13 anticipate the need to file a motion for a protective order regarding certain noticed deposition  
 14 topics.<sup>1</sup> Thus, the parties anticipate needing until November 13, 2012, to complete any  
 15 additional document production ordered pursuant to Plaintiffs’ motion to compel and to complete  
 16 all depositions. In response to the stipulation the parties originally filed, the parties learned that  
 17 the Court’s next available trial date is in November 2013. The parties submit the following  
 18 proposed schedule in light of the Court’s trial calendar, and also request that the Court inform the  
 19 parties if trial dates become available after May 30, 2013, so that the trial in this case may be  
 20 moved up.

21 In light of the foregoing, Plaintiffs and Defendants seek the extension of the following  
 22 deadlines contained in the Scheduling Order as follows:

23 1. Close of fact discovery: November 13, 2012;  
 24 2. Disclosure of Plaintiffs’ expert testimony reports: January 11, 2013;

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 27 <sup>1</sup> The contemplated schedule for the motions is as follows: opening briefs due on or before  
 28 August 31, 2012; oppositions due September 14, 2012; replies due September 21, 2012; and a  
 hearing on the motion at the Court’s earliest convenience.

- 1       3. Disclosure of Defendants' expert testimony reports: February 6, 2013;
- 2       4. Close of expert discovery: February 27, 2013;
- 3       5. Hearing on dispositive motions: May 30, 2013;
- 4       6. The parties acknowledge and agree to supplement their discovery responses in accordance  
5              with the Federal Rules and applicable local rules. In particular, if Defendants' practices  
6              with regard to the restraints used on detainees change (or are scheduled to be changed)  
7              after the close of fact discovery but prior to September 30, 2013 and Defendants intend to  
8              rely on or present evidence at trial regarding such changes (or proposed changes),  
9              Defendants must supplement their discovery responses accordingly by September 30,  
10             2013. The parties expressly reserve their right to object to the introduction of evidence that  
11             has not been timely produced in accordance with the Federal Rules, local rules, and this  
12             agreement.
- 13       7. Motions *in limine*: filed by October 18, 2013;
- 14       8. Oppositions to motions *in limine* filed by October 25, 2013;
- 15       9. Pretrial statement to be filed by October 31, 2013;
- 16       10. Pretrial conference at the Court's convenience thereafter; and October 24, 2013 at 10:00 a.m.
- 17       11. Trial in November 2013. November 12, 2013 at 9:00 a.m.

18 The parties remain available for the Court's previously-scheduled October 4, 2012 Case  
19 Management Conference, if so desired by the Court.

22 || Dated: August 10, 2012

Respectfully submitted,

By: /s/ Catherine E. Moreno  
Catherine E. Moreno

WILSON SONSINI GOODRICH & ROSATI  
*Professional Corporation*  
David J. Berger  
Thomas J. Martin  
Analisa M. Pratt  
Savith S. Iyengar

1 LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
2 Paul Chavez

3 AMERICAN CIVIL LIBERTIES UNION  
4 FOUNDATION OF NORTHERN CALIFORNIA,  
5 INC.  
6 Julia Harumi Mass  
7 Alan L. Schlosser

8 *Attorneys for Plaintiffs*

9 Dated: August 10, 2012

10 By: /s/ Samuel P. Go  
11 Samuel P. Go

12 Senior Litigation Counsel  
13 District Court Section  
14 Office of Immigration Litigation  
15 Civil Division  
16 U.S. Department of Justice  
17 P.O. Box 868, Ben Franklin Station  
18 Washington, DC 20044  
19 Telephone: (202) 353-9923  
20 Facsimile (202) 616-8962  
21 Email: samuel.go@usdoj.gov

22 STUART F. DELERY  
23 Acting Assistant Attorney General  
24 Civil Division

25 DAVID J. KLINE  
26 Director  
27 Office of Immigration Litigation  
28 District Court Section

29 VICTOR M. LAWRENCE  
30 Principal Assistant Director  
31 Office of Immigration Litigation

32 *Attorneys for Defendants*

33 **SIGNATURE ATTESTATION**

34 I, Catherine E. Moreno, attest that I obtained the concurrence of Samuel P. Go in filing this  
35 document. I declare under penalty of the laws of the United States that the foregoing is true and correct.

36 Executed this 10th day of August, 2012 in Palo Alto, California.

37 /s/ Catherine E. Moreno  
38 Catherine E. Moreno

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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4 Dated: 8/20/12



Honorable Richard Seeborg  
United States District Judge  
Northern District of California

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